

**Corrections Advisory Council**  
**Study Subcommittee**  
**Minutes**  
**March 31, 2006**  
**Missoula Assessment & Sanction Center**

**Rep. Gail Gutsche**, chairwoman, convened the meeting at 10:05 a.m.

Other subcommittee members present were Rep Tim Callahan, Sen. Jim Shockley, Cascade County Sheriff Dave Castle and Toole County Commissioner Allan Underdal. Rep. Veronica Small-Eastman was absent.

Others present included: Sen. Steve Gallus; Adult Community Corrections Administrator Mike Ferriter; Jessica Ishler, MASC; District Judge John Larson; Brenda Desmond, Larson's judicial assistant; Deb Matteucci, Montana Mental Health Association; Sam Lemaich, regional supervisor for probation and parole; and Bob Anez, department communications director.

The subcommittee approved the minutes from the Feb. 27 meeting.

**Rep. Gutsche**, referring to the location of the meeting, encouraged fellow subcommittee members to arrange sometime to observe the screening process conducted weekly by MASC as new offenders enter the corrections system at this facility.

***Drug Courts***

**Judge Larson** talked to the subcommittee about drug courts, one of which he operates in Missoula. He said such courts have been around for about 10 years. He said they are based on the theory that "you can't punish people to success." Judge Larson said there is plenty of evidence to show the success of such courts and that they do a lot to keep juveniles out of prison. He said there's nothing magic about someone turning 18 and supposedly becoming an adult at that point. Those who turn 18 experience no automatic development changes, he said, and more local treatment funding is needed for young adults over 18. The brains of young adults do not mature until age 24 or 25, and then only if the brain has not been impaired by drugs, he said. Judge Larson said partnering with programs like the Juvenile Delinquency Intervention Program (JDIP) can mean more success.

Judge Larson also discussed his mental health court operation, saying it has a capacity for about eight offenders. Although the program could handle more, the low participation works well because of the large number of treatment professionals involved and the need for very close monitoring of these offenders.

He said more coordination is needed among all the courts and that finding personnel to properly operate such specialty courts is a problem. He said Montana has about 40 retired judges who would be good prospects for running more drug courts. Judge Larson's drug court has a national reputation and officials from 60 drug courts in other parts of the

country have visited. Nationally, there are about 1,500 drug courts and more than 100 mental health courts.

Judge Larson said the judge in these courts acts more as a coach and engages in informal discussions with offenders, who often need a male or female role model and the judge fulfills that role. The courts provide close monitoring of offenders to help ensure they do not get into more significant problems and stay away from those people with whom they got into trouble in the first place, Judge Larson said. A crucial part of the program is regular, randomized and observed drug testing of offenders. Judge Larson said testing cannot simply be done once a month and be expected to catch violators. A testing system has to include the ability to detect dilution of urine samples and use of other devices designed to defeat urinalysis. Judge Larson said being truthful is a critical requirement. He estimates that half to three-fourths of offenders lie to him, even though telling the truth would be better for them. If they can't be honest from the first day of their sentence, they won't do well in the program, he said.

**Sen. Shockley** said his initial impression of drug courts is favorable, but that they will have to prove demonstrate their success in order to get more funding. Judge Larson said the state needs more community-based inpatient treatment programs or juveniles. He said evidence shows that boot camps and wilderness programs aren't very effective.

**Rep. Gutsche** asked how many offenders a drug court can handle. Judge Larson said 20-30 is an appropriate number. If a court reaches that upper limit, it would be a sign that another drug court in the jurisdiction may be needed.

**Rep. Gutsche** asked about handling offenders who have both drug addiction and mental health problems. Judge Larson said many offenders have both types of problems.

**Anez** asked about the number of drug courts in Montana. Judge Larson mentioned courts in Billings, Miles City, Lewistown, Butte, Bozeman and Missoula. He said Wyoming and Idaho each have about 40 drug courts.

**Rep. Gutsche** wondered about transportation of juveniles from areas where there is no drug court. Judge Larson said judges and parole or probation officers work closely together to make services available for those juveniles.

**Rep. Callahan** asked about the savings for the state from operation of drug courts. Judge Larson said the savings come in county and state detention budgets because the effects of drug courts can reduce the number of offenders in prerelease centers and drug treatment centers.

### ***Social services***

**Hank Hudson**, administrator with the Department of Public Health and Human Services, discussed some of the programs managed by the agency and useful to offenders. However, he said, most assistance is available to women with children and people considered disabled. Able-bodied males can find services difficult to obtain.

TANF (Temporary Assistance to Needy Families), Medicaid, food stamps and the low-income energy assistance program (LIEAP) are the major programs likely to be used by offenders, he said. Many inmates released from the women's prison are eligible for TANF. Medicaid is for the blind, disabled, elderly and the poor with dependent children. Many offenders, once released from prison, are eligible for Medicaid because they are considered disabled. But obtaining the designation of disabled, as defined by the Social Security Administration, can be a difficult and time-consuming process. The department is helping training probation and parole officers so they can assist offenders in this process. Food stamps are available to someone with income of less than \$1,500 a month for three months, Mr. Hudson said. After that, a person has to be working in order to qualify for stamps. The typical amount of stamps is \$150 a month.

No DPHHS programs assist people with finding housing, a major problem for offenders. Mr. Hudson said housing is considered one of the greatest unmet needs of the poor. People with criminal records have a particularly difficult time getting access to public housing and high rental rates put another burden on the homeless. Offenders released from institutions without a place to live usually end up in a rescue mission or some other shelter. Assistance for offenders can begin while they are still in prison. Institutional parole officers, who help inmates prepare their release plans, are often overwhelmed with their caseloads and need added expertise when it comes to lining up inmates with mental health services and housing in the community. Some officers are better than others at working with social service agencies.

**Rep. Callahan** asked if any of the DPHHS benefits are dependent on a person having a place to live. He also wondered about the definition of "disabled" used by the Social Security Administration to determine benefit eligibility. Mr. Hudson said disabled means unable to be employed in any job in the country. He said the disability doesn't have to be permanent, but it does have to be significant.

**Rep. Callahan** asked how people can find out about DPHHS services and programs. Mr. Hudson said the department's Web site provides that information, but citizens cannot use the site to apply for benefits or determine eligibility.

**Sen. Shockley** asked how difficult it is for someone to be designated disabled in order to obtain Social Security benefits. Mr. Hudson called it a "grueling process," difficult to get through without help and built on a system that is not friendly to applicants.

**Sheriff Castle** wondered whether law enforcement can get into trouble for releasing someone from jail at a local public assistance office because they are homeless. Mr. Hudson said the department's goal is to have no instances where someone is released without a place to live. Such individuals should be able to stay in a rescue mission or some other kind of temporary shelter. He said Yellowstone County authorities will transport a newly released offender no more than two miles from the jail.

**Sen. Gallus** asked about the process of becoming eligible for social services while an offender is still in prison. Mr. Hudson said that can be done, but the process can take a

year to complete. He said some counties will provide financial help to a newly released offender and then get reimbursed when the person receives disability benefits.

**Mr. Lemaich** said institutional parole officers in prison do help offenders plan for their release while still in prison. But he said the officers are overwhelmed with workload and could use more training for serving the mental health and housing needs of offenders.

**Sen. Gallus** wanted to know if the assessment of inmates about to be released includes mental health problems and chemical dependency problems. Mr. Lemaich said it does and such release planning is available to everyone who needs it. Some inmates need less assistance if they have family waiting for them on the outside.

**Rep. Gutsche** asked how many offenders are released and if they're getting the necessary services. She also wondered about the interface between the corrections and human services agencies. Mr. Ferriter said corrections officials have to develop a better understanding of the services available. He said almost all of those leaving prison have some sort of "special needs." Some probation and parole officers are better than others in working with DPHHS and improvement is needed, he said.

Mr. Lemaich said probation/parole officers have to wear a lot of hats. One day they're cops; the next they're social workers. Case managers are helpful in dealing with offenders with special needs.

Mr. Hudson said DPHHS has a lot of programs and coordination with corrections when it comes to women with families coming out of prison. But there are few programs for adult males.

**Sheriff Castle** said probation/parole officers have a tougher clientele by the time offenders reach them because they have to deal with all the aspects of an offender's life.

Mr. Ferriter said the officers have an average caseload of 87 cases and that makes it difficult to keep up with all the needs of offenders. He said the caseload statewide is growing by 81 per month and officers have only so much time for case management. Through it all, he said, officers always have to keep public safety in mind.

Mr. Hudson said the Montana Council on Homelessness is focusing on some of the state's worst cases of homelessness. He said a program that caters to those coming out of corrections programs and in need of housing is a major concern. Those people usually need jobs as well, he said.

**Rep. Gutsche** asked how many offenders coming out of prison are homeless. Mr. Hudson said a just-completed survey will determine that.

#### ***Probation/parole officers***

**Landee Holloway and Kim Christensen**, probation/parole officers from Missoula, discussed their jobs and the problems they face. They said their job is to enhance the lives of offenders while protecting the community. Obstacles facing offenders include housing,

employment, availability of mental health services and drug addiction counseling, and lack of life skills (such as household budgeting). They said more addiction treatment capacity is needed in the community. Sometimes offenders have to wait 6-8 weeks for an opening in programs and such a delay can be devastating for people in a very vulnerable condition. While some areas of the state have plenty of housing, others do not. And even where housing is plentiful, the quality can be low and usually is located in high-crime areas where offenders should not be, they said.

The same is true with jobs, they said. Employment can be easily found in some areas, but sparse elsewhere. Many of the jobs available are low-paying openings. Job Service staff offer some assistance in filling out job applications, developing references and providing advice on how to respond to a prospective employers question about one's criminal record. Offenders with mental health problems are particularly difficult to supervise because many also have drug addiction problems. They often use drugs and alcohol while taking medication for their mental disorder, and that renders the medicine useless. These offenders often have a long wait for services, just as do drug addicts.

Most services – legal help, housing assistance, child care and food banks – are plentiful for women with children, Ms. Holloway and Ms. Christensen said. Men are left out because society expects them to work and not depend on such services, and men frequently are reluctant to seek help. Probation and parole officers cannot be expected to be aware of every possible community service that offenders may want. But treatment works and the more exposure offenders have to treatment, the better chance they have of success.

**Rep. Gutsche** asked if a lot of offenders return to their old friends when they are in the community. Ms. Christensen said they do and that can often lead to a relapse.

**Rep. Gutsche** asked if probation/parole officers recommend where an offender should go when they are released from prison. Ms. Christensen said they do, on an individualized basis. Mr. Lemaich said that sometimes officers are limited in their options by what the court says can be done with an offender.

**Jennifer Stevens**, an offender who completed her sentence in January 2006, said she finally realized she had a serious problem when she was arrested and had her children taken away from her. She said she was helped by having access to a private counselor every week. Still, during two years of chemical dependency treatment she relapsed two or three times, she said.

**Sheriff Castle** applauded Ms. Stevens' success in completing her sentence and staying clean and sober. He also asked her if she had used meth and what she thought of the Montana Meth Project advertising campaign against the drug. Ms. Stevens said she used meth for three or four months, and that the anti-meth campaign commercials were effective. She said they show how dangerous life on drugs can be. She also said no one seeks help on their own and that drug addicts need plenty of support to succeed.

### ***Public comment***

During the public comment period, Scott Crichton of the Montana ACLU said he was glad to see the subcommittee focus on less restrictive correctional environments than prison. He said he hopes that the effort will persist in the legislative session in 2007 and beyond. Mr. Crichton recounted previous efforts to scale back on public assistance programs for the able-bodied and said those represented steps back from “our social commitment to one another.” He said society should get to the point where it stops treating some behaviors as criminal behaviors.

**Deb Matteucci** of the Montana Mental Health Association said that, statistically, the bulk of offenders in the corrections system have co-occurring problems. She questioned why drug and mental health courts are separate entities, and suggested creation of “treatment courts” able to serve those with both mental health problems and drug dependency. She said the stigma of mental illness is huge and can discourage some people from wanting to participate in something called a “mental health court.”

**Sen. Gallus** agreed, and recommended the Corrections Advisory Council support such a change in direction. **Sen. Shockley** said statutes would have to be changed so that specialty courts could cover both issues.

Ms. Matteucci also said the state lacks community-based treatment programs capable of serving people with co-occurring problems.

Subcommittee members discussed the process they should use to distill all the information they have collected over the past six months. **Rep. Gutsche** said the panel needs to identify needs, develop priorities, talk about sex offenders and the American Indian offender population and its needs, and make recommendations to the full council.

**Sen. Gallus** wondered about having a facilitator help with that process at the next subcommittee meeting, what he called a “town-hall” type of meeting where the public can weigh in with its thoughts. **Rep. Gutsche** said the subcommittee first needs to develop a summary of the information it has collected. The subcommittee needs to decide what’s working and what more is needed, she said.

**Sen. Gallus** said he has trouble wrapping his arms around all the information that has been presented to the subcommittee. He said the panel should meet one more time to try to accomplish that before bringing in a facilitator.

**Rep. Gutsche** asked for more specific information on sex offenders at the next subcommittee meeting.

**Sen. Shockley** said he was glad the subcommittee will address the issue of a lack of services for “white Anglo-Saxon males” being released from prison. He said the state needs to change to a treatment court concept and changes need to be made in the use of local screening committees. He also called for ideas on dealing with young adult offenders, those between 18 and 24.

**Rep. Gutsche** said that final issue of dealing with a specific age population is not part of the subcommittee's work.

**Sen. Shockley** said putting younger offenders into the system with hardened criminals doesn't work. He said efforts are needed to keep young adults from becoming older offenders.

Mr. Ferriter said that issue has been a concern of his throughout his career. The old boot camp in the Swan Valley was created to deal with that population. The current boot camp near Deer Lodge fulfills that need now, he said. But he said a lot of young adults will become repeat offenders no matter what kind of programs and treatment are provided them. Some sort of pilot project to see if more can be diverted from prison could be worthwhile, he said.

**Sen. Shockley** said he doesn't have faith that the corrections system can change people for the better, but that he doesn't want it changing them for the worse.

**Rep. Gutsche** said the system doesn't have enough options for juveniles.

**Rep. Callahan** asked what, other than money, the department would need to create programming for the 18-24 year old group of offenders. Mr. Ferriter said dedicating a regional prison or prerelease center to that population could be considered.

**Sheriff Castle** raised concern about young adult offenders going to jail and getting mixed with older offenders for up to a year.

**Sen. Shockley** said the best solution to avoid that is for plea bargains to be used.

Ms. Matteucci said law enforcement officers need training on how to deal with mental health problems they encounter on the streets.

The subcommittee agreed to meet at the WATCH program in Warm Springs in May, but said the specific date would be set through mutual agreement among the members later.

The meeting adjourned about 2:45 p.m.

***Prepared by Bob Anez***